

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

CASEY C. BURRIS,

Plaintiff,

v.

JOE ALLBAUGH, et al.,

Defendants.

No. CIV 16-370-RAW-SPS

OPINION AND ORDER


Plaintiff, an inmate in the custody of the Oklahoma Department of Corrections (DOC) who is incarcerated at Cimarron Correctional Facility, a private prison in Cushing, Oklahoma, has filed this civil rights complaint pursuant to 42 U.S.C. § 1983. The defendants are DOC Director Joe Allbaugh, Oklahoma State Reformatory Warden Tracy McCollum, and former Joseph Harp Correctional Center Warden Mike Addison. Plaintiff alleges he has illegally been transferred to private prisons, and his life has been put in jeopardy at his current facility. He is requesting monetary damages and his immediate release.

To the extent Plaintiff asks for equitable relief in the form of release from confinement, a § 1983 cause of action is not the appropriate means for seeking such relief. Rather, habeas corpus is the exclusive remedy for a state prisoner challenging the fact or duration of his confinement when the relief sought includes immediate or speedier release. *Preiser v. Rodriguez*, 411 U.S. 475, 489-90 (1973). Furthermore, it is well settled that there is no constitutional right to incarceration in a particular correctional facility. *Olim v. Wakinekona*, 461 U.S. 238, 245 (1983).

A review of the complaint indicates all the defendants appear to be located within the territorial jurisdiction of the United States District Court for the Western District of Oklahoma. Because proper venue does not lie in this district, *see* 28 U.S.C. § 1391(b), Plaintiff's complaint is dismissed without prejudice pursuant to 28 U.S.C. § 1406(a).

IT IS SO ORDERED this 18th day of October 2016.

Dated this 18th day of October, 2016.


Ronald A. White
United States District Judge
Eastern District of Oklahoma